

Chapter 8

BUSINESSES*

Article I. In General

Secs. 8-1—8-30. Reserved.

Article II. Massage

Division 1. Generally

- Sec. 8-31. Definitions.
- Sec. 8-32. Penalty for violation of article.
- Sec. 8-33. Enforcement of article.
- Sec. 8-34. Massage parlors subject to inspection.
- Sec. 8-35. Massage of a person of the opposite sex for hire.
- Sec. 8-36. Licensed health professional excluded.
- Sec. 8-37. Prohibitions and limitations.
- Secs. 8-38—8-60. Reserved.

Division 2. License

- Sec. 8-61. Required.
- Sec. 8-62. Fingerprinting required.
- Sec. 8-63. Issuance; fee required.
- Sec. 8-64. Persons ineligible.
- Sec. 8-65. Posting required.
- Sec. 8-66. Revocation; due process hearing.

***Cross references**—Contractors, § 6-186 et seq.; emergency services, ch. 10; merchandising and advertising in parks, § 18-38; solid waste collectors, § 22-181 et seq.; zoning permit regulations, § 28-211 et seq.; zoning sign regulations for commercial and industrial districts, § 28-381.

State law reference—Authority to regulate and license occupations, businesses, trades and professions, G.S. 153A-134.

ARTICLE I. IN GENERAL

Secs. 8-1—8-30. Reserved.

ARTICLE II. MASSAGE***DIVISION 1. GENERALLY****Sec. 8-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Massage parlor means any place of business where massagists are employed to offer massage for a salary or fee.

Massagist (masseur, masseuse) means one who offers to massage another for a salary or fee.
(Ord. of 8-18-75, § 1)

Cross reference—Definitions generally, § 1-2.

Sec. 8-32. Penalty for violation of article.

Violation of this article is punishable according to the provisions of section 1-7.
(Ord. of 8-18-75, § 11)

Sec. 8-33. Enforcement of article.

This article may be enforced by any appropriate equitable remedy as authorized by G.S. 153A-123.
(Ord. of 8-18-75, § 12)

Sec. 8-34. Massage parlors subject to inspection.

The sheriff or any member of his department may inspect massage business premises during the hours that they are open for business.
(Ord. of 8-18-75, § 9)

***State law reference**—Adult establishments, G.S. 14-202.10 et seq.

Sec. 8-35. Massage of a person of the opposite sex for hire.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Massage means the manipulation of body muscle or tissue by rubbing, stroking, kneading or tapping, by hand or mechanical device.

(b) *Prohibited acts.* It shall be unlawful for any person licensed as a massagist or holding a massage parlor license issued by the county to massage a person of the opposite sex for a salary or fee except under the signed order of a licensed health professional.

(c) *Conviction ground for license revocation.* A conviction for violation of this section is hereby made grounds for revoking a massagist's or massage parlor license after a due process hearing as the county may otherwise provide by ordinance.
(Ord. of 10-16-78, §§ 1, 2, 5)

Sec. 8-36. Licensed health professional excluded.

Licensed health professionals acting in the ordinary course of their profession are not massagists, nor owners of massage parlors.
(Ord. of 8-18-75, § 2)

Sec. 8-37. Prohibitions and limitations.

(a) *Minimum age.* No person in the business of massage may massage a person under 18 except under the direction or by order of a licensed health professional. No person may employ one under 18 to work as a massagist.

(b) *Hours of operation.* Massage parlors may operate only between the hours of 8:00 a.m. to 10:00 p.m.

(c) *Scope of massage.* No massagist may, in the course of business, massage the penis, scrotum, mons veneris, vulva or vaginal area of another.

(d) *Inducement to violate ordinances or provisions of state statutes relating to sexual misconduct.* No person may induce a licensee or employee or

agent thereof to violate the ordinance or any provision of the state statutes, involving sexual misconduct including, but not limited to, G.S. 14-177—14-202.1 and G.S. 14-203—14-208.

(e) *Licensee required to supervise.* Massage parlor licensees shall supervise the conduct of massagists in their employ. Failure to suppress illegal activity is grounds for revocation of a license.

(Ord. of 8-18-75, § 8)

Secs. 8-38—8-60. Reserved.

DIVISION 2. LICENSE

Sec. 8-61. Required.

A person may not work as a massagist nor operate a massage parlor, unless licensed.

(Ord. of 8-18-75, § 3)

Sec. 8-62. Fingerprinting required.

An applicant for a license shall submit to fingerprinting. The fingerprints may be sent to the SBI, FBI or other appropriate law enforcement agencies.

(Ord. of 8-18-75, § 4)

Sec. 8-63. Issuance; fee required.

The sheriff shall issue licenses to any eligible persons who pay an annual fee in an amount set from time to time by the board for a massagist's license or in an amount set from time to time by the board for a massage parlor license. Such licenses shall be valid for one year only and must be renewed annually.

(Ord. of 8-18-75, § 5)

Sec. 8-64. Persons ineligible.

The following persons may not be licensed to work as a massagist or hold a massage parlor license:

- (1) A person who has been convicted of a crime involving sexual misconduct including, but not limited to, G.S. 14-177—14-202.1, and G.S. 14-203—14-208.

- (2) A person under 18.

- (3) A person violating this article.

(Ord. of 8-18-75, § 6)

Sec. 8-65. Posting required.

(a) The sheriff shall provide a copy of this article for posting to each massage parlor licensee upon licensing.

(b) Each massage parlor licensee shall display in a prominent place the license issued pursuant to this article together with a copy of this article.

(c) Each massagist shall post his license in his work area.

(Ord. of 8-18-75, § 7)

Sec. 8-66. Revocation; due process hearing.

(a) The board of commissioners shall revoke the license of any licensee who has been convicted of:

- (1) A crime involving sexual misconduct including, but not limited to, those covered by G.S. 14-177—14-202.1 and G.S. 14-203—14-208; or

- (2) This article.

(b) Any revocation shall be made only after written notice of the grounds for revocation has been given to the licensee, and he has had an opportunity to answer the charges in a hearing before the board of commissioners.

(c) At a license revocation hearing conducted pursuant to subsection (a) of this section the board shall consider only a licensee's final conviction of:

- (1) A crime involving sexual misconduct including, but not limited to, those covered by G.S. 14-177—14-202.1 and G.S. 14-203—14-208; or

- (2) This article.

(d) The board of commissioners may revoke the license of any licensee who is found to have failed to supervise the conduct of massagists in his employ as provided for in section 8-37.

(e) At a license revocation hearing conducted pursuant to subsection (d) of this section the board shall consider any competent evidence.

(Ord. of 8-18-75, § 10; Ord. of 10-19-77)